

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SERVICEMASTER
RESIDENTIAL/COMMERCIAL
SERVICES, L.P.,

Case No. 4:05CV3195

MEMORANDUM AND ORDER

On November 21, 2005 and November 22, 2005, this matter came before me to consider the plaintiff's motion for a preliminary injunction. Essentially, the plaintiff sought a preliminary injunction to enforce a non-competition agreement, to enforce an agreement regarding the defendants' use of plaintiff's trademark related to the color yellow, and to enforce an agreement regarding transfer of a telephone number. Evidence was presented, stipulations were reached, and for the reasons more fully explained on the record,

IT IS ORDERED that:

1. The plaintiff's motion for a preliminary injunction (filing 9) regarding enforcement of the non-competition provision of the agreement of October 23, 2002 is denied without prejudice to a permanent injunction.
2. Within a reasonable time (approximately two weeks from this date), the defendants shall do the following things: (a) at their cost, repaint the four vans to a color that does not conflict with the

plaintiff's mark respecting the color yellow and (b) at their cost, transfer the telephone number recited on the record to the plaintiff.

3. The plaintiff's motion for preliminary injunction (filing 9) regarding the trademark respecting the color yellow and the telephone number is withdrawn without prejudice.

November 22, 2005.

BY THE COURT:

s/Richard G. Kopf
United States District Judge